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C O N F I D E N T I A L SECTION 01 OF 02 SARAJEVO 000150

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DEPT FOR EUR (DICARLO), EUR/SCE (HOH, SILBERSTEIN, FOOKS,
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TAGS: [PGOV](#) [PREL](#) [MARR](#) [BK](#)

SUBJECT: BOSNIA- AMBASSADOR AND NATO HQ ENGAGE SILAJDZIC
AND KOMSIC ON DEFENSE PROPERTY

REF: A. SARAJEVO 129

[1](#)B. 07 SARAJEVO 2632

[1](#)C. 07 SARAJEVO 2586

Classified By: Ambassador Charles English for reasons 1.4 (b) and (d)

SUMMARY

[1](#)1. (C) On January 24, the Ambassador, NATO HQ Commander US MG Wightman and NATO POLAD met separately with Presidents Haris Silajdzic and Zeljko Komsic to continue their outreach with senior leaders on movable defense property issues. The delegation urged the Presidents to support the new Ministry of Defense (MOD) draft transfer agreement on movable property that would ensure state ownership of all arms and ammunition. President Komsic indicated his firm support for the measure and raised concerns about the motivations behind Republika Srpska (RS) Prime Minister Milorad Dodik's efforts to obstruct the agreement. For his part, Silajdzic noted his support for the principle of state ownership but questioned the legality of the agreement and processes used to conclude it. His position on the issue could present a problem in resolving the movable defense property concerns before NATO's Bucharest Summit. End Summary.

ENLISTING SILAJDZIC'S AND KOMSIC'S FOR THE AGREEMENT

[1](#)2. (C) On January 24, the Ambassador, NATO HQ Commander US MG Wightman and NATO POLAD met separately with Presidents Haris Silajdzic and Zeljko Komsic to continue their outreach with senior leaders on movable defense property issues. The Ambassador presented similar points to those he made at his January 23 meetings with President Radmanovic and Prime Minister Spiric. He stressed the importance of resolving the issue, with all arms and ammunition transferred to state ownership, well in advance of NATO's Bucharest Summit (Ref A). The NATO HQ presented both Silajdzic and Komsic the new MOD-proposed draft transfer agreement for their review and requested the Presidents' support for the measure.

13. (C) While stating that securing NATO membership was his highest priority, Silajdzic asserted that the issue of movable defense property touched on other important "principles that had to be reconciled." Silajdzic told the Ambassador and NATO officials that the July 2007 political agreement was not made "in accordance with the law," and he suggested that certain provisions of the Law of Defense also were "illegal." Silajdzic deferred to his Chief of Staff, Nura Pinjo-Zimic, to explain his concerns. Pinjo-Zimic told the delegation that the State Succession Agreement of the Former Yugoslavia should govern the defense property transfer. That agreement, which Bosnia had ratified, stated that all property of the former Yugoslavia belonged to the state of Bosnia's he said. In this context, Pinjo-Zimic explained, defense property should already be considered under full state ownership, which meant that the state and entity Prime Ministers had no legal standing to develop a separate political or technical agreement arranging an ownership transfer.

14. (C) The Ambassador noted that the State Succession Agreement did not stipulate how successor states to Yugoslavia divided up property among their own internal administrative organizations. The Ambassador again emphasized that both the July political agreement and proposed MOD movable property transfer plan were entirely consistent with provisions of the Law on Defense, and stressed that in practical and political terms the proposed agreement gave Silajdzic exactly what he claimed to want: state ownership of movable defense property. Silajdzic responded that his objections really were "not about guns but

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the principle of state preservation." He said he found it difficult to support any agreement that seemed to recognize that legal authorities and competencies of the state and entities "were at the same level" and by extension codified the existence of the RS. The Ambassador responded that this seemed an illogical assumption with regard to defense property, as no state role existed for defense prior to the US- brokered defense reform and corresponding constitutional amendments in 2005, and that the entities indisputably were responsible for this competency before then. Silajdzic seemed unmoved by the logic of this argument, but nonetheless undertook to review the MOD draft agreement and be "flexible in finding a practical solution that does not break the law."

KOMSIC: BEHIND THE DEAL; WORRIED ABOUT DODIK

15. (C) Komsic stated that he fully supports the MOD proposal and welcomed US leadership to move it forward. Komsic said that, above all, Bosnia needed to do everything possible to secure a future as part of NATO and continued delays in resolving the movable property issues were a roadblock in this process. Komsic said that, initially, he had reservations about the legitimacy of the July political agreement and about allowing the entities to share revenues for future arms sales, but he now supported both as the only means to resolve the issue. Komsic said he had also decided against filing criminal charges against the three Prime Ministers for "stealing state resources" and would not engage in public sparring with Dodik, Silajdzic or anyone else on the issue. (Note. In a previous meeting with Komsic on January 18, we urged him to refrain from both of these counterproductive actions. End Note.) Komsic also raised Dodik's motivations in blocking a deal. Coupled with the RS Prime Minister's recent hostile remarks about the Armed Forces, Komsic said he believed Dodik was actively trying to undermine state defense institutions in advance of Kosovo independence. Komsic suggested that Dodik would continue to call into question the competency and authority of the state after Kosovo as well.

COMMENT: SILAJDZIC TO NEEDLESSLY OBSTRUCT?

16. (C) Siljadzic's legal objections are without merit. The State Succession Agreement has little legal bearing on movable defense property, and the process for resolving this issue advanced by NATO HQ, the MOD and the entity leadership is fully consistent with the Law on Defense. As the Ambassador pointed out, the MOD draft proposal meets all of Silajdzic's stated goals and any efforts to block the deal would constitute obstructionism. We plan to press ahead with our strategy to gain state and entity support for the agreement and have it submitted to the state and entity parliaments for approval in the following weeks. We will also work to keep Silajdzic from further politicizing the issue on "ideological grounds" (i.e. his unwillingness to reach any compromise that explicitly or implicitly acknowledges the RS), but, as with police reform, there is no guarantee Silajdzic will put aside his rejectionist politics to embrace a practical outcome that advances his broader agenda. End Comment.

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